



PUBLIC NOTICE

Federal Communications Commission
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DA 02-3207

Released: November 19, 2002

CORRECTION

DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF LIGHTWAVE COMMUNICATIONS, INC. BY LOOKING GLASS NETWORKS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-358

This is a corrected public notice to DA 02-3104, released November 8, 2002. Comment dates are as established in the original public notice released November 8, 2002.

On November 6, 2002, Looking Glass Networks, Inc. ("LGN" or "Transferee") and LightWave Communications, Inc. ("LightWave" or "Transferor") (LGN and LightWave, together, "Applicants"), filed an application pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, for authorization to transfer substantially all of the assets of LightWave, including its wholesale customer base, to LGN.

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules because neither Applicant is dominant with respect to any service.¹

LightWave is a facilities-based provider of metro optical access services, offering interconnection between major carrier hotels, data centers and Verizon central offices within the Washington, D.C. to New York City corridor.² LGN is a facilities-based provider of metropolitan data transport services for carrier and enterprise customers. LGN builds, owns and operates metropolitan fiber optic networks, providing data transport services to primary carrier

¹ See 47 C.F.R. § 63.03(b)(2)(i).

² LightWave is a Delaware corporation based in Laurel, MD.

hotels, incumbent local exchange carrier (LEC) central offices, key enterprise buildings and other major data aggregation facilities in the largest U.S. metro areas, including Atlanta, Chicago, Dallas, Houston, Los Angeles, New York/northern New Jersey, San Francisco/San Jose, Seattle and Washington, D.C./northern Virginia.³

Applicants assert that grant of this application will serve the public interest, convenience and necessity by promoting competition among telecommunications carriers. Specifically, Applicants state that approval of the proposed asset transfer will enable LGN to strengthen its competitive presence in the geographic service areas where LightWave's network assets are located and to concentrate its resources and expertise on providing innovative and diversified transport service offerings for carriers serving these markets. Applicants state that these enhancements will inure directly to the benefit of LightWave's affected carrier customers as well as indirectly to consumers generally in the domestic telecommunications marketplace.

GENERAL INFORMATION

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.⁴ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If

³ LGN is a Delaware corporation based in Chicago, IL.

⁴ *See* 47 C.F.R. § 63.03(a).

more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (4) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394 or William Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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